

AMENDED IN SENATE APRIL 4, 2000

AMENDED IN SENATE MARCH 22, 2000

SENATE BILL

No. 1558

Introduced by Senator Costa

February 17, 2000

An act to amend Section 1463.14 of the Penal Code, relating to criminal laboratories, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1558, as amended, Costa. Crime laboratories: funds.

Existing law requires the county treasurer to deposit into a special account the fines collected for each conviction for a specified violation of the Vehicle Code. The use of the funds in this special account are limited to payment of the costs of performing for the county, city, or special district, forensic tests for the presence of alcohol or drugs. The county treasurer is required to transfer on an annual basis, the unexpended money in the special account to the general fund of the county. The county is authorized to retain funds to cover its administrative costs and is required to distribute the balance of the funds as specified by law. If the account becomes exhausted, the public entity ordering a test is required to bear the costs of that test.

This bill would delete the requirement that the public entity ordering a test bear the costs of that test if the special account is exhausted. It would require instead that a county that receives forensic test results for the presence of drugs or

alcohol by a crime laboratory of the Department of Justice, pay the above-mentioned fines for Vehicle Code violations to the Controller for ~~deposit in the General Fund~~ *payment to the Department of Justice*. The county would then be authorized to deduct from those fines an appropriate and reasonable amount to pay for its costs of collecting the fines, not to exceed 5% of the amount collected.

~~This bill would appropriate \$1,500,000 from the General Fund to the Department of Justice for the purposes of providing the criminalistics laboratory under this bill.~~

Vote: ~~2/3~~ *majority*. Appropriation: ~~yes~~ *no*. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1463.14 of the Penal Code is
2 amended to read:
3 1463.14. (a) (1) Notwithstanding the provisions of
4 Section 1463, of the moneys deposited with the county
5 treasurer pursuant to Section 1463, fifty dollars (\$50) of
6 each fine collected for each conviction of a violation of
7 Section 23103, 23104, 23152, or 23153 of the Vehicle Code
8 shall be deposited in a special account which shall be used
9 exclusively to pay for the cost of performing for the
10 county, or a city or special district within the county,
11 analysis of blood, breath or urine for alcohol content or for
12 the presence of drugs, or for services related to that
13 testing. The sum shall not exceed the reasonable cost of
14 providing the services for which the sum is intended.
15 (2) On November 1 of each year, the treasurer of each
16 county shall determine those moneys in the special
17 account which were not expended during the preceding
18 fiscal year, and shall transfer those moneys into the
19 general fund of the county. The county may retain an
20 amount of that money equal to its administrative cost
21 incurred pursuant to this section, and shall distribute the
22 remainder pursuant to Section 1463.
23 (3) In a county that receives test results of blood,
24 breath, or urine for alcohol content or for the presence of
25 drugs by a criminalistic laboratory of the Department of

1 Justice, the amount of fines deposited in the special
2 account from violations of Section 23103, 23104, 23152, or
3 23153 of the Vehicle Code, shall be paid each month by
4 the county treasurer to the Controller for ~~deposit into the~~
5 ~~General Fund~~ *payment to the Department of Justice*. A
6 county may deduct from those fines an appropriate and
7 reasonable amount to pay for its costs of collecting the
8 fines. The amount deducted may not exceed 5 percent of
9 the amount collected.

10 (b) The board of supervisors of a county may, by
11 resolution, authorize an additional penalty upon each
12 defendant convicted of a violation of Section 23152 or
13 23153 of the Vehicle Code, of an amount equal to the cost
14 of testing for alcohol content, less the fifty dollars (\$50)
15 deposited as provided in subdivision (a). The additional
16 penalty authorized by this subdivision shall be imposed
17 only in those instances where the defendant has the
18 ability to pay, but in no case shall the defendant be
19 ordered to pay a penalty in excess of fifty dollars (\$50).
20 The penalty authorized shall be deposited directly with
21 the county, or city or special district within the county,
22 which performed the test, in the special account
23 described in subdivision (a), and shall not be the basis for
24 any additional assessment pursuant to Section 1464 or
25 1465, or Chapter 12 (commencing with Section 76010) of
26 Title 8 of the Government Code.

27 For purposes of this subdivision, “ability to pay” means
28 the overall capability of the defendant to pay the
29 additional penalty authorized by this subdivision, taking
30 into consideration all of the following:

31 (A) Present financial obligations, including family
32 support obligations, and fines, penalties, and other
33 obligations to the court.

34 (B) Reasonably discernible future financial position
35 over the next 12 months.

36 (C) Any other factor or factors which may bear upon
37 the defendant’s financial ability to pay the additional
38 penalty.

39 (c) The Department of Justice shall promulgate rules
40 and regulations to implement this section.

1 ~~SEC. 2. The amount of one million five hundred~~
2 ~~thousand dollars (\$1,500,000) is hereby appropriated~~
3 ~~from the General Fund to the Department of Justice for~~
4 ~~the purposes of providing the criminalistics laboratory~~
5 ~~under this act.~~

